

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HENRY LEE DENNIS (# L3904)**

**PETITIONER**

**v.**

**No. 4:05CV147-P-B**

**SUPERINTENDENT LAWRENCE KELLY, ET AL.**

**RESPONDENTS**

**ORDER DENYING PETITIONER'S MOTION  
FOR RELIEF FROM JUDGMENT OR ORDER**

This matter comes before the court on the motion [22] of Henry Lee Dennis for reconsideration of the court's May 31, 2007, memorandum opinion denying the instant petition for a writ of *habeas corpus*. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. The petitioner argues that his ignorance of state appellate rules and federal rules governing *habeas corpus* should excuse his failure to exhaust some of his claims – and that the court should permit him to return to state court to exhaust his remedies there. However, a *pro se* prisoner's ignorance of *habeas corpus* law is insufficient reason to invoke equitable tolling in this case. *Alexander v. Cockrell*, 294 F.3d 626, 629 (5<sup>th</sup> Cir. 2002). An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. The petitioner has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60. In addition, the petitioner

has not presented “any other reason justifying relief from the operation” of the judgment. As such, the petitioner’s request for reconsideration is **DENIED**.

**SO ORDERED**, this the 4<sup>th</sup> day of June, 2007.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE